

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

June 24, 2025

LAURA A. AUSTIN, CLERK
BY: S/J. Vasquez
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**JOSHUA DALE PAYNE,
Plaintiff,**

Civil Action No. 7:25-cv-00320

v.

**S.W.V.R.J.A DUFFIELD, et al.,
Defendant(s).**

MEMORANDUM OPINION

**By: Thomas T. Cullen
United States District Judge**

Plaintiff, proceeding pro se, filed a civil rights complaint under 42 U.S.C. § 1983.

Plaintiff did not prepay the filing costs or submit the information required to proceed in forma pauperis under 28 U.S.C. § 1915(b) to pay the filing fee through installments from plaintiff's trust account. By Order entered May 13, 2025, the court directed plaintiff to submit, within 30 days from the date of the order, a prisoner trust account report (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint. The prisoner trust account report was to be filled out, signed, and dated by the appropriate prison official of each prison at which plaintiff is or was confined in order for the court to continue this action without payment of the filing fee. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than 30 days have elapsed, and plaintiff has failed to comply with the described conditions and has not qualified to proceed in forma pauperis under § 1915(b). Accordingly, the court will dismiss the action without prejudice and strike the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTERED: June 24, 2025.



United States District Judge